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BEST AVAILABLE COPY**REMARKS**

The applicant notes with appreciation the acknowledgement of the claim for priority under section 119 and the notice that all of the certified copies of the priority documents have been received.

The applicant acknowledges and appreciates receiving an initialed copy of the form PTO-1449 that was filed on September 5, 2003.

Claims 1 – 6 and 8 – 11 are pending. Claim 7 has been canceled, and new claims 8 – 11 are added. The applicant respectfully requests reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 1 – 7 were rejected under 35 USC 112, second paragraph, as being indefinite. The specific instance of indefiniteness identified in the office action has been remedied by way of the above amendments. Reconsideration and withdrawal of the rejection is respectfully requested.

Claims 1 – 7 were rejected under 35 USC 103(a) as being anticipated by US Patent 5,254,916, Hopkins ("Hopkins") in view of US 20010041956, Wong et al. ("Wong"), US Patent 4,663,575, Juzwik et al. ("Juzwik"), JP 2001-315620 ("JP '620") and US Patent 4,733,142, Bicknell ("Bicknell"). Insofar as the rejection can be applied to the claims as amended, the rejection is traversed and the applicant respectfully requests that this rejection be withdrawn for reasons including the following.

As described in the application, one or more aspects of the present invention is directed to solving the problem of providing a small sized motor for driving a wiper unit as well as motor driving means, "thereby assembling them in a small-sized module." (Specification page 5, line 27 – page 6, line 3.) One or more features include that "the motor rotation speed follows an

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externally fixed operation speed, even when the load on the motor is changed.” (Specification, page 7, lines 2— 5.)

Claim 1 has been amended. Support for the amendment is located in the specification, for example, original claim 7 and page 16, lines 1 – 5.

According to the claims, e.g., claim 1, the invention is directed to an automobile wiper driving apparatus. Claim 1 recites, in combination, that the wiper controlling means “receives a signal indicating an inputted operation speed of a wiper and controls the wiper to move at the inputted operation speed,” a switching element of the wiper controlling means performs “a switching on and off operation responsive to the pulse width modulation signal” and controls “said wiper to move at the inputted operation speed,” and “when the inputted operation speed is equal to a predetermined operation speed,” a relay connected in parallel with the switching element switches on “to move the wiper at the predetermined operation speed regardless of states of said switching element.” (E.g., claim 1.) Consequently, when the inputted operation speed is equal to a predetermined operation speed, a relay connected in parallel with the switching element switches on to move the wiper at the predetermined operation speed, regardless of the states of the switching element. The switching element and the relay are represented in Fig. 3 of the present application, for example, by a MOSFET 21 and a back-up relay Ry, respectively.

Without conceding that Hopkins discloses any feature of the present invention, Hopkins is directed to a windshield wiper speed and delay control. The office action admits that Hopkins fails to teach or suggest a “wiper and wiper driving assembled in a module, speed detection means of motor, mosfet for switching element, and relay connected parallel with switching element.” Wong is cited as teaching the wiper and wiper driving means assembled in a module, Juzwick is cited as disclosing a mosfet for switching element, JP ‘620 is cited as disclosing

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detecting the speed of the motor, and Bicknell is cited as disclosing a switch parallel with a relay so the motor rotates regardless of the switching element.

The applicant respectfully traverses the characterization of Bicknell in the office action. To the contrary, Bicknell fails to teach the relay connected in parallel as claimed, when the claims are considered as a whole. Referring to Bicknell, Fig. 1, Bicknell teaches a windscreen wiper control including a wiper motor 1 in which a vehicle windscreen wiper including a wiper motor 1 and a self-park switch 2 is controlled by an electronic control circuit. The switch 2 is closed during the sweep of a wiper blade but opens at a parked position at one end of the sweep. The electronic control circuit has a microprocessor 9 (e.g., Col. 3, lines 40-46). The microprocessor 9 outputs a pulse to a transistor 4 to cause the motor 1 to begin its operation. The pulse is of sufficient length to maintain the motion of the motor 1 until the switch 2 closes to latch the motor 1 in operation. The transistor 4 could be arranged to drive a relay having contacts connected in parallel with the switch 2 (e.g., Col. 3, lines 53 - 62).

According to Bicknell, the switch 2 connected in parallel with a relay is closed during the sweep of the wiper blade and opens at the parked position. However, the switch 2 has no structure to provide for controlling a wiper to move at an operation speed. Specifically, Bicknell fails to teach or suggest that the relay is "for switching on to move said wiper at a predetermined operation speed" (see claim 1). Bicknell therefore operates in a fundamentally different way than the claimed invention.

Considering the claim elements in combination, the relay of Bicknell is structurally different from the relay recited in claim 1, as amended. Consequently, the switch 2 and the relay in Bicknell fail to teach or suggest the relay as claimed.

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The office action provides no motivation to combine the multiple references, other than a conclusory statement on page 3 that the combination would be made "for improved integration and speed detection" and "improved control". None of the references provide a motivation to offer the relay as claimed.

Although applicant vigorously denies that there is a motivation to combine the references, assuming that there is a motivation, the proposed modification would appear to change the principle of operation of Bicknell for reasons including those discussed above.

The references of the proposed combination therefore fail to teach or suggest, for example, these elements recited in independent claim 1. It is respectfully submitted that claim 1 is patentable over the references of record.

For at least these reasons, the combination of features recited in independent claim 1, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, the cited references clearly fail to show other claimed features as well.

With respect to the rejected dependent claims, the applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claim 1, but also because of additional features they recite in combination.

New claims 8 – 11 have been added to further define the invention, and are believed to be patentable for reasons including these set out above. Exemplary support for the new claims can be located in the specification, respectively, at page 16, lines 1 – 5; page 17, lines 11 – 19; page 22, lines 8 – 12; and page 30, lines 14 – 24.

The applicant respectfully submits that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. The applicant does not concede that the cited prior art shows any element recited in the claims. However, the applicant

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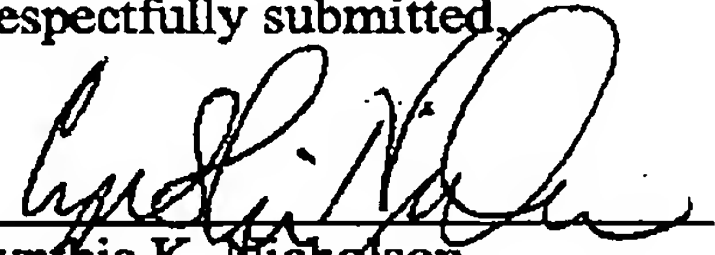
has provided specific examples of elements in the claims that are clearly not present in the cited prior art.
prior art.

The applicant strongly emphasizes that one reviewing the prosecution history should not interpret any of the examples the applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, the applicant has provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicant respectfully submits that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

Please charge any unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,


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